IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3340 OF 2004

IN

SUIT NO.225 OF 1984

...

Nilkanth Sitaram Navalkar ...Plaintiff

v/s.

Bhalchandra Sitaram Navalkar
and ors. ...Defendants

...

Mr.Prashant for the Plaintiff.
Ms.S.S.Bhole i/b S.G.Deshmukh for Defendants Nos. 4 & 5.

...

CORAM: D.K.DESHMUKH, J.

DATED: 27TH OCTOBER,2005

P.C.:

This Notice of Motion is taken out by the Defendants Nos. 4 & 5. The learned Counsel appearing for the Defendants Nos. 4 & 5 states that the Defendant No.4 is dead. The learned Counsel appearing for the Plaintiff states that according to the Plaintiff there are no legal representatives left behind by the Defendant No.4, therefore, the Plaintiff will delete the name of the Defendant No.4 from the suit.

2. Thus, this Notice of Motion is only by the Defendant No.5. The learned Counsel appearing for the Plaintiff states that the Plaintiff has no objection to the grant of this Notice of Motion in terms of prayer clauses (a) to (d).

3. The learned Counsel for Defendant No.5 states that other Defendants namely Defendants Nos. 1, 2 & 3 are served with Notice of Motion as also the Respondent has also been served with this Notice of Motion. She undertakes to file affidavit of service within two weeks from today. Defendants Nos. 1, 2 &

3 and the Respondent, despite service, have not filed any reply. Therefore, in view of no objection of the Plaintiff and in view of the fact that the other Defendants and the Respondent have not filed any reply, motion is granted in terms of prayer clauses (a) to (d). Motion disposed of.

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